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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ESTATE OF VIOLA B. SPAULDING, *et al.*,

*Plaintiffs,*

v.

YORK CLEANERS, INC., *et al.*

*Defendants.*

Case No. C 08-00672

STIPULATION RE VOLUNTARY DISMISSAL  
OF SECOND AMENDED COMPLAINT AS TO  
ESTATE OF BARNARD LEWIS, DECEASED *EX*  
*REL.* INSURANCE COMPANY OF THE WEST

AND RELATED COUNTERCLAIMS,  
CROSS-CLAIMS, AND THIRD-PARTY  
CLAIMS

Court Rm. 8 on the 19th Floor  
Hon. Charles R. Breyer

WHEREAS the Estate of Barnard Lewis, Deceased *ex rel.* Insurance Company of the West has filed a motion to dismiss, or in the alternative, motion for summary judgment on the basis that it has not located an insurance policy for Barnard Lewis, David Victor Lewis, or York Cleaners, Inc.

WHEREAS the Estate of Viola B. Spaulding, Florence Spaulding, Lynn Spaulding doing business as Spaulding Enterprizes, Tina Spaulding Ward doing business as Spaulding Enterprizes, and the Conservatorship of Eileen Spaulding (collectively, "Spaulding") seeks to voluntarily dismiss without prejudice its Second Amended Complaint as to Estate of Barnard Lewis, Deceased *ex rel.* Insurance Company of the West.

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, BY AND THROUGH THEIR UNDERSIGNED COUNSEL, THAT:

1. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) Spaulding's Second



